

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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UNITED STATES OF AMERICA :
:
- v. - : PROTECTIVE ORDER
:
JOSHUA ADAM SCHULTE, : 17 Cr. 548 (PAC)
:
Defendant. :
:
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PAUL A. CROTTY, District Judge:

WHEREAS, JOSHUA ADAM SCHULTE, the defendant, has certain rights under the United States Constitution, federal statutes, and the Federal Rules of Criminal Procedure, to pretrial discovery;

WHEREAS, the Government recognizes its obligation to provide such discovery materials to the defendant, consistent with safety considerations and the confidentiality of ongoing investigations;

WHEREAS, certain of the discovery materials that the Government intends to provide to the defendant contain materials that, if disseminated to third parties, could, among other things, jeopardize the safety of others and national security, and impede ongoing investigations;

WHEREAS, the Government desires to protect the protected materials it produces and will mark materials

containing such information as "USG-CONFIDENTIAL";

WHEREAS, in the interest of expediting the discovery process, the defendant, by his attorneys Taylor Koss, Esq., Kenneth Smith, Esq., and Alex Spiro, Esq., consent to the entry of this Order;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The protected materials shall be used by the defendant, his counsel, and his counsel's agents only for purposes of defending the charges, in connection with sentencing, and pursuing any appeals, in this criminal action. To the extent the protected materials are shown to additional persons consistent with the terms set forth below, those additional persons may only use the protected materials in connection with this criminal action.

2. The Government will mark all items subject to this protective order as "USG-CONFIDENTIAL."

3. The protected materials and the information and identities contained or disclosed therein:

(a) Shall be used by the defendant and his counsel only for purposes of this action;

(b) Shall not be disclosed in any form by the defendant or his counsel except as set forth in paragraph 3(c) below;

(c) May be disclosed only by defense counsel and

only to the following persons in connection with this action

(hereinafter "Designated Persons"):

- (i) the defendant, provided that defense counsel maintains custody of the protected materials and does not permit the defendant to copy or otherwise reproduce the protected materials;
- (ii) investigative, secretarial, clerical, paralegal, and student personnel employed full-time or part-time by defense counsel;
- (iii) independent expert witnesses, investigators, or advisors retained by the defendant; and
- (iv) upon a motion by the defendant pursuant to paragraph 5 below, to show (but not provide copies of) protected materials to such other persons as hereafter may be authorized by the Court; and

(d) Shall be returned to the Government or destroyed following the conclusion of this case, including any appeals and/or post-conviction proceedings.

4. Notwithstanding paragraph 3, the protected materials may not be provided to any foreign persons or entities (even if such persons or entities are members of the defense team) and may not be transmitted or otherwise taken outside of the United States for any purpose.

5. Defense counsel may seek authorization of the Court to show (but not provide copies of) certain specified discovery materials to persons whose access to discovery materials is otherwise prohibited by the preceding paragraphs, if it is determined by the Court that such access is necessary for the purpose of preparing the defense of the case.

6. Defense counsel shall provide a copy of this protective order to Designated Persons to whom the protected materials are disclosed pursuant to paragraph 3(c) and shall advise such persons that he or she shall not further disseminate or discuss the materials and must follow the terms of this Protective Order.

7. To the extent the parties seek to rely on the protected materials to file a motion to suppress or for other relief, the relevant portion of any such motion shall be filed under seal. Similarly, to the extent the parties rely on the protected materials in any other court filing, the relevant

portion of any such filing shall be filed under seal.

8. Nothing in this Order prohibits the media from requesting copies of any items that are received by the Court as public exhibits at a hearing, trial, or other proceeding. Nothing in this Order shall preclude the Government from seeking a further protective order pursuant to Rule 16(d) as to particular items of discovery material.

AGREED AND CONSENTED TO:



Taylor Ross, Esq.
Kenneth Smith, Esq.
Alex Spiro, Esq.
Attorneys for the defendant

9-15-17

Date

SO ORDERED:



THE HONORABLE PAUL A. CROTTY
United States District Judge
Southern District of New York

9/18/2017

Date